

TRAUB LIEBERMAN**STRAUS & SHREWSBERRY LLP**

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U.S. DISTRICT COURT
S.D.N.Y.Page 1 of 2
Mid Westchester Executive Park
Seven Skyline Drive
Hawthorne, New York 10532Telephone (914) 347-2600
Facsimile (914) 347-8898
www.traublieberman.com

May 20, 2008

VIA FACSIMILE

Hon. Harold Baer, Jr.
U.S. District Court
Southern District of New York
500 Pearl Street
Chambers 2230
New York, New York 10007

Re: *Milton Braten v. Eliot Kaplan,*
Docket No. 07 Civ. 8498 (HB)

Dear Judge Baer:

I write on behalf of defendant Eliot Kaplan in response to plaintiff's May 14, 2008 letter requesting a sixty (60) day adjournment of the Pre-Trial Conference scheduled for this Thursday, May 22, 2008, at 4:30 p.m. While defendant does not object to a reasonable adjournment of the conference, we note that plaintiff has been *pro se* from the time he filed this action on or about May 7, 2007. Pursuant to an Order dated October 2, 2007, the Court (Hon. Kimba Wood) dismissed the original complaint *sua sponte* and afforded plaintiff an opportunity to file an amended complaint, which he did on or about December 5, 2007.

Plaintiff's claim that he needs sixty (60) days to find counsel is suspect under the circumstances set forth above. Moreover, plaintiff's status as a federal prisoner likely means he has ample time each day to attend a court conference via telephone. He has not stated any reason why he cannot sit for such a call on any particular day.

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Pursuant to the foregoing, defendant does not object to a reasonable adjournment of the Pre-Trial Conference and submits that thirty (30) days should be sufficient under all surrounding circumstances.

Respectfully,


Stephen D. Straus

cc: Mr. Melvin Braten
97415-071 Unit P2
FMC Devens
P.O. Box 879
Ayer, Massachusetts 01432

*Adj to June 26 at
11 AM*
CO ORDERED:
Harold Baer Jr., U.S.D.J.
5/20/08